

REMARKS

The Official Action mailed March 17, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 26, 2006 and June 19, 2008.

Claims 1-12 are pending in the present application, of which claims 1-3, 7 and 9 are independent. Claims 1-3, 5-7 and 9-12 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-6 and 10-12 as anticipated by U.S. Publication No. 2003/0034497 to Yamazaki. The Official Action rejects claims 7, 8 and 10-12 as obvious based on the combination of Yamazaki '497 and U.S. Publication No. 2002/0134979 to Yamazaki. The Official Action rejects claims 9-12 as obvious based on the combination of Yamazaki '497 and U.S. Patent No. 6,974,909 to Tanaka. The Applicant respectfully submits that anticipation and obviousness rejections cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Independent claims 1-3, 7 and 9 have been amended to recite that the first sealing film is attached to the substrate with the adhesive, supported in the specification, at least, by Figure 4B and paragraph [0088]. Independent claim 1 has been further amended to recite a stack of the adhesive, the first sealing film, the integrated circuit, and the antenna is covered with the second sealing film, supported in the specification, at least, by paragraph [0097]. Independent claims 2, 3 and 7 have been further amended to recite a second adhesive and that the second sealing film is attached to the substrate provided with the first adhesive, the first sealing film, and the integrated circuit with the second adhesive, supported in the specification, at least, by Figures 4A, 5C, 6A and 6B and paragraphs [0090], [0092] and [0112]. The Applicant respectfully submits that Yamazaki '497, either alone or in combination with Yamazaki '979 or Tanaka, does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

Since Yamazaki '497, Yamazaki '979 and Tanaka do not teach or suggest all the elements of the independent claims, either explicitly or inherently, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 102 and 103 are in order and respectfully requested.

At this opportunity, the Applicant has also made minor amendments to claims 5, 6 and 10-12.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, Virginia 22033
(571) 434-6789